

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 1:13-cv-00301-FDW**

**THIS MATTER** is before the Court on Defendant Acting Commissioner of Social Security Carolyn W. Colvin's Consent Motion to Remand to Social Security Administration (Doc. No. 12). Pursuant to sentence four of 42 U.S.C. section 405(g), this Motion is hereby GRANTED, Defendant's decision is REVERSED, and the cause is REMANDED to Defendant for further administrative proceedings.

Upon remand by this Court, the Appeals Council will remand this matter to a different Administrative Law Judge (“ALJ”). Upon remand, the ALJ shall be instructed to: (1) contact Dr. King for an opinion concerning Plaintiff’s impairments and functional capacity, (2) offer Plaintiff the opportunity for a new hearing, (3) take any further action needed to complete the administrative record, and (4) issue a new decision.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request to remand this action for further proceedings and with Plaintiff's consent, this Court hereby:

(1) REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

(2) The Clerk of Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

(3) The Motion to Remand (Doc. No. 12) is GRANTED;

(4) Plaintiff's Motion for Summary Judgment (Doc. No. 9) is DENIED as moot.

As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorney's fees, including any motion for such fees under the Equal Access to Justice Act ("EAJA").

IT IS SO ORDERED.

Signed: June 24, 2014



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Frank D. Whitney  
Chief United States District Judge

